

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

In Re:

Case No.: 2:08-CV-148-BES-PAL

DANA L. QUIROGA,

ORDER

Debtor,

Before the Court is the Report and Recommendation of the United States Magistrate Judge (#12) ("Recommendation") entered on July 18, 2008, in which the Magistrate Judge recommends that this Court dismiss the appeal without prejudice. No objection to the Report and Recommendation has been filed.

I. DISCUSSION

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1) (2005). Further, under 28 U.S.C. § 636(b)(1), if a party makes a timely objection to the magistrate judge's recommendation, then this Court is required to "make a de novo determination of those portions of the [report and recommendation] to which objection is made."¹ *Id.* Nevertheless, the statute does not "require[] some lesser review by [this Court] when no objections are filed." *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985). Instead, under the statute, this Court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Id.* at 149. Similarly, the Ninth Circuit has recognized that a district court is not required to

¹ For an objection to be timely, a party must serve and file it within 10 days after being served with the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1) (2005).

1 review a magistrate judge's report and recommendation where no objections have been filed.
2 See United States v. Reyna-Tapia, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard
3 of review employed by the district court when reviewing a report and recommendation to which
4 no objections were made); see also Schmidt v. Johnstone, 263 F.Supp. 2d 1219, 1226 (D.
5 Ariz. 2003) (reading the Ninth Circuit's decision in Reyna-Tapia as adopting the view that
6 district courts are not required to review "any issue that is not the subject of an objection.").
7 Thus, if there is no objection to a magistrate judge's recommendation, then this Court may
8 accept the recommendation without review. See e.g., Johnstone, 263 F.Supp. 2d at 1226
9 (accepting, without review, a magistrate judge's recommendation to which no objection was
10 filed).

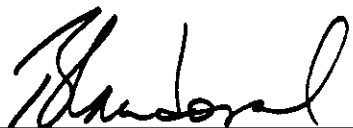
11 In this case, Plaintiff has not filed an objection to the Magistrate Judge's Report and
12 Recommendation. Although no objection was filed, this Court has reviewed the Report and
13 Recommendation, and accepts it. Accordingly,

14 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and
15 Recommendation (#12) entered on July 18, 2008, is adopted and accepted without
16 modification. Thus, in accordance with the Report and Recommendation,

17 IT IS HEREBY ORDERED that Plaintiff's Appeal is DISMISSED without prejudice. The
18 Clerk of the Court shall enter judgment accordingly.

19 IT IS SO ORDERED.

20 DATED: This 7th day of August, 2008.

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25 UNITED STATES DISTRICT JUDGE
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